

REMARKS

In response to the restriction requirement mailed March 21, 2008, the Applicants elect Group I, Claims 3-8, 33, and 36, with traverse. Group II, Claims 11-16, 28-32, 34, 35, 37, and 38 would be withdrawn from consideration. However, the Examiner is asked to reconsider the restriction requirement, since he relies on the microfluidic devices used in method Claims 34 and 35 being considered “materially different” from the microfluidic device of Claim 33.

Each of Claims 33, 34, and 35 includes a microfluidic device containing a “uniform array of posts”. Claim 33 states that the posts are “arrayed in columns at a right angle to the flow of said sample”, while claims 34 and 35 are silent as to the alignment of the posts. Claim 35 adds grooves or weirs disposed perpendicularly to the flow of sample liquid. Thus, it is clear that each of those claims have an important feature in common. Therefore, they should not be considered “materially different. If not, then restriction should not be required. Furthermore, the Applicants note that a possible rejoinder is suggested, which would not be feasible if the devices were “materially different”. The Examiner appears to have relied on different classifications for Groups I and II, but it seems probable that both classes would be searched regardless of the group elected. If so, then the distinctiveness between Groups I and II are not sufficient to require separate prosecution and potentially the granting and maintenance of separate patents.

Respectfully submitted,



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